

Article - Transportation

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§24-111.3.

(a) (1) In this section the following words have the meanings indicated.

(2) “Owner” means the registered owner of a motor vehicle.

(3) “Recorded image” means an image recorded by a vehicle height monitoring system:

(i) On:

1. A photograph;

2. A microphotograph;

3. An electronic image;

4. Videotape; or

5. Any other medium; and

(ii) Showing:

1. The front or side of a motor vehicle or combination of vehicles;

2. At least two time-stamped images of the motor vehicle or combination of vehicles that include the same stationary object near the motor vehicle or combination of vehicles; and

3. On at least one image or portion of tape, a clear and legible identification of the entire registration plate number of the motor vehicle.

(4) “Vehicle height monitoring system” means a device with one or more motor vehicle sensors that is capable of producing recorded images of vehicles whose height exceeds a predetermined limit.

(b) (1) A vehicle height monitoring system may be used to record images of vehicles traveling on a highway in Baltimore City under this section only if the use

of vehicle height monitoring systems is authorized by an ordinance adopted by the Baltimore City Council after reasonable notice and a public hearing.

(2) Before Baltimore City places or installs a vehicle height monitoring system at a particular location, it shall:

(i) Conduct an analysis to determine the appropriateness of the location; and

(ii) Obtain the approval of the Baltimore City Police Commissioner or the Commissioner's designee.

(3) Before activating a vehicle height monitoring system, Baltimore City shall:

(i) Publish notice of the location of the vehicle height monitoring system on its Web site and in a newspaper of general circulation in the jurisdiction; and

(ii) Ensure that all signs stating restrictions on the presence of certain vehicles during certain times approaching and within the segment of highway on which the vehicle height monitoring system is located include signs that:

1. Are in accordance with the manual and specifications for a uniform system of traffic control devices adopted by the State Highway Administration under § 25–104 of this article; and

2. Indicate that a vehicle height monitoring system is in use.

(c) A vehicle height monitoring system operator shall fill out and sign a daily set-up log for a vehicle height monitoring system that:

(1) States that the operator successfully performed the manufacturer-specified self-test of the vehicle height monitoring system before producing a recorded image;

(2) Shall be kept on file; and

(3) Shall be admitted as evidence in any court proceeding for a violation of this section.

(d) (1) Unless the driver of the motor vehicle or combination of vehicles received a citation from a police officer at the time of the violation, the owner of a

motor vehicle or combination of vehicles is subject to a civil penalty if the motor vehicle or combination of vehicles is recorded by a vehicle height monitoring system while being operated in violation of a State or local law restricting the presence of certain vehicles during certain times.

(2) A civil penalty under this subsection may not exceed:

(i) For a second violation by the owner of the motor vehicle, \$250; and

(ii) For a third or subsequent violation by the owner of the motor vehicle, \$500.

(3) For purposes of this section, the District Court shall prescribe:

(i) A uniform citation form consistent with subsection (d)(1) of this section and § 7-302 of the Courts Article; and

(ii) A civil penalty, which shall be indicated on the citation, to be paid by persons who choose to prepay the civil penalty without appearing in District Court.

(e) (1) Subject to the provisions of paragraphs (2) and (3) of this subsection, the Baltimore City Police Department or the Baltimore City Department of Transportation shall mail to an owner liable under this section a citation that shall include:

(i) The name and address of the registered owner of the motor vehicle;

(ii) The registration number of the motor vehicle involved in the violation;

(iii) The violation charged;

(iv) The location at which the violation occurred;

(v) The date and time of the violation;

(vi) A copy of the recorded image;

(vii) The amount of the civil penalty imposed and the date by which the civil penalty should be paid;

(viii) A signed statement by a duly authorized law enforcement officer commissioned by the Baltimore City Police Department that, based on inspection of the recorded image, the motor vehicle or combination of vehicles was being operated in violation of a State or local law restricting the presence of certain vehicles during certain times;

(ix) A statement that the recorded image is evidence of the violation;

(x) Information advising the owner alleged to be liable under this section of the manner and time in which liability as alleged in the citation may be contested in the District Court; and

(xi) Information advising the owner alleged to be liable under this section that failure to pay the civil penalty or to contest liability in a timely manner is an admission of liability.

(2) The Baltimore City Police Department or the Baltimore City Department of Transportation shall, for a first violation, mail a warning notice instead of a citation to an owner liable under this section.

(3) A citation issued under this section shall be mailed no later than 30 days after the alleged violation.

(4) A person who receives a citation under this section may:

(i) Pay the civil penalty, in accordance with instructions on the citation, directly to Baltimore City; or

(ii) Elect to stand trial in the District Court for the alleged violation.

(f) (1) A certificate alleging that a violation of a State or local law restricting the presence of certain vehicles during certain times occurred and that the requirements under subsections (b) and (c) of this section have been affirmed by a duly authorized law enforcement officer commissioned by the Baltimore City Police Department, based on inspection of the recorded image produced by the vehicle height monitoring system, shall be:

(i) Evidence of the facts contained in the certificate; and

(ii) Admissible in a proceeding alleging a violation under this section without the presence or testimony of the vehicle height monitoring system operator.

(2) If a person who received a citation under this section desires the vehicle height monitoring system operator to be present and testify at trial, the person shall notify the court and the State in writing no later than 20 days before trial.

(3) Adjudication of liability shall be based on a preponderance of evidence.

(g) (1) The District Court may consider in defense of a violation:

(i) Subject to paragraph (2) of this subsection, that the motor vehicle or the registration plates of the motor vehicle were stolen before the violation occurred and were not under the control or possession of the owner at the time of the violation; and

(ii) Any other issues and evidence that the District Court deems pertinent.

(2) To demonstrate that the motor vehicle or the registration plates were stolen before the violation occurred and were not under the control or possession of the owner at the time of the violation, the owner shall submit proof that a police report regarding the stolen motor vehicle or registration plates was filed in a timely manner.

(h) A violation for which a civil penalty is imposed under this section:

(1) Is not a moving violation for the purpose of assessing points under § 16–402 of this article;

(2) May not be recorded by the Administration on the driving record of the owner of the vehicle;

(3) May not be treated as a parking violation for purposes of § 26–305 of this article; and

(4) May not be considered in the provision of motor vehicle insurance coverage.

(i) In consultation with the Baltimore City Police Department, the Chief Judge of the District Court shall adopt procedures for the issuance of citations, the trial of civil violations, and the collection of civil penalties under this section.

(j) (1) The Baltimore City Police Department or the Baltimore City Department of Transportation, or a contractor designated by the Baltimore City Police Department or the Baltimore City Department of Transportation, shall administer and process civil citations issued under this section in coordination with the District Court.

(2) If a contractor operates a vehicle height monitoring system on behalf of Baltimore City, the contractor's fee may not be contingent on the number of citations issued or paid.

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